



# Executive Order 24-00

## EXECUTIVE ORDER PROCLAIMING A DROUGHT EMERGENCY AND SUSPENDING CERTAIN REGULATORY PROVISIONS OF THE MONTANA WATER USE ACT

WHEREAS, 40 counties in Montana are in a severe drought status and the remaining counties are in a drought alert status; and

WHEREAS, the drought has created an imminent threat of a disaster causing immediate peril to the State's fishery resource; and

WHEREAS, there is a need for water appropriators to temporarily change all or a portion of their historic water uses to maintain or enhance instream flow to benefit the fishery resource; and

WHEREAS, strict compliance with the regulatory provisions of the Montana Water Use Act delay necessary action in coping with the emergency to maintain or enhance instream flow to benefit the fishery resource.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to authority vested in me by the Constitution of the State of Montana and the laws of the State of Montana, including Title 10, chapter 3, MCA (1999), do hereby declare that an emergency condition as a result of a drought exists in the State of Montana and do hereby order the suspension of the provisions of Montana Code Annotated § 85-2-408 (1999) as follows for any county that is designated, currently or in the future, as in a severe drought status:

1. the requirement to process an application under (1), including but not limited to the requirement to pay a filing fee;
2. the requirements of (3), including the associated requirements of Montana Code Annotated §§ 85-2-402 and 85-2-407;
3. the provisions of (4) and (5);
4. the objection provision of (6).

In addition, until November 1, 2000, Mont. Code Ann. § 85-2-439 (1999) is superseded by Mont. Code Ann. § 85-2-408 (1999) as revised above.

The Department of Natural Resources and Conservation shall issue a temporary change authorization upon the filing of an application. A temporary change authorization for instream flow created as a result of this Executive Order shall be of duration from the time of the filing of the application with the Department of Natural Resources and Conservation until November 1, 2000.

This proclamation is effective at 12:01 a.m. August 26, 2000.

GIVEN under my hand and the GREAT  
SEAL of the State of Montana,  
this \_\_\_\_ day of \_\_\_\_\_, 2000.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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